

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONTRANS CORP., <i>et al.</i> ,	:	
Plaintiffs,	:	
v.	:	Case No. 3:17-cv-296
SWIFT TRANSPORTATION CO.	:	JUDGE WALTER H. RICE
OF ARIZONA, LLC,	:	
Defendant.	:	

DECISION AND ENTRY SUSTAINING PLAINTIFFS' UNOPPOSED
MOTION FOR COSTS AND FEES ARISING FROM DEFENDANT'S
FAILURE TO WAIVE SERVICE (DOC. #10); AWARDING \$450.00 IN
COSTS AND FEES

This matter is currently before the Court on Plaintiffs' Motion for Costs and Fees Arising from Defendant's Failure to Waive Service, Doc. #10. Pursuant to Fed. R. Civ. P. 4(d)(2), Plaintiffs request an award of \$450.00 for the costs of service and for attorney fees incurred by Plaintiffs related to the drafting and filing of documents necessary to perfect service upon Defendant. Rule 4(d)(2) states:

Failure to Waive. If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

- (A) the expenses later incurred in making service; and
- (B) the reasonable expenses, including attorney's fees, of any motion required to collect those service expenses.

Fed. R. Civ. P. 4(d)(2).

Defendant has now been served and has filed an Answer, but has not responded to Plaintiffs' Motion and has not established good cause for failing to sign and return the waiver. Having reviewed the docket, the Court finds that the imposition of costs and fees is warranted, and that the \$450.00 requested by Plaintiffs is a reasonable amount. Accordingly, the Court SUSTAINS Plaintiffs' motion, Doc. #10, and awards \$450.00 in costs and attorney's fees.

Date: January 2, 2018



WALTER H. RICE
UNITED STATES DISTRICT JUDGE